

# HOUSE BILL REPORT

## HB 2656

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### As Reported by House Committee On: Local Government

**Title:** An act relating to allowing counties to have a lien against properties that were levied for storm water control facilities.

**Brief Description:** Modifying county lien authority.

**Sponsors:** Representatives Takko, Schindler, Simpson, Dunn, Moeller, Ahern and Fromhold.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/23/06, 2/1/06 [DPS].

#### **Brief Summary of Substitute Bill**

- Allows counties to collect storm water control fees by using county treasurer collection provisions.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

**Staff:** Kasa Tupua (786-7291).

#### **Background:**

Local governments are authorized to provide a variety of utility services, impose charges or rates for these services, and possess a lien for delinquent rates or charges on the property on which the rates or charges were imposed.

The process for cities and towns to enforce and foreclose sewerage liens includes a provision requiring that a lien on delinquent service charges must exist for six months before filing a notice of the lien with the county auditor. However, once a notice has been filed, the lien continues for subsequent delinquent charges, provided the city or town forecloses the lien within two years from the date of filing the notice. Cities and towns may adopt a resolution providing that their liens on delinquent sewer service charges are effective for up to one year before recording a notice of the lien with the county auditor.

Counties operating a storm water control facility may use the procedures by which property taxes are foreclosed for their liens on delinquent storm service charges instead of using the procedures by which cities and towns foreclose delinquent sewer service charges.

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**Summary of Substitute Bill:**

County lien authority is modified to include penalties and costs of foreclosures for delinquent charges against any property levied for highways, open spaces, parks, storm water control facilities, and other public facilities. Counties are authorized to collect storm water control fees by using the collection procedures provided in statute for county treasurers. Liens subject to these collection procedures will take effect upon the charges becoming delinquent.

**Substitute Bill Compared to Original Bill:**

Modifies county lien authority to make liens for delinquent storm water control charges automatic. Penalties and costs of foreclosures are added, and counties are given the option to use the collection procedures otherwise used by county treasurers. Liens subject to these collection procedures will take effect upon the charges becoming delinquent.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Modifying county lien authority allows flexibility in collection of storm water fees by governing bodies, rather than using sewerage lien statutes which are more costly to administer.

**Testimony Against:** None.

**Persons Testifying:** Representative Takko, prime sponsor; and Doug Lasher, Clark County Treasurer.

**Persons Signed In To Testify But Not Testifying:** None.